HOMICIDE, CRIMES AND OTHER OFFENCES

Robbery probably occurs more frequently than is known, but the offence is generally kept within the family and from police knowledge. Incest may also occur more commonly than is suspected. This is implied in the statements of Old Sam, showing several cases of physical deformity on the fact that people are too "mixed up." Within the Indian community, drunkenness is severely condemned as criminal and is regarded as good "fun" as long as it does not lead to violence. Lying is disliked but is not strongly censured. Braggarts, who overindulge in "bullshit," are severely criticized and ridiculed.

Many property offences are combined with the confusion that the owner must be careful not to give the impression of selfishness. A few individuals are widely known for their tendency to steal and evil people receive careful watching. Indian natives and those of white trappers remain free from violence except in case of hunger, and even then will only be approached by the very person with a pronounced predilection for stealing. Government supplies along the Alaska Highway were rarely disturbed by Indians, who had abundant opportunity to observe instances of damages for such property by their white neighbours. The invention of any law infringement is sometimes raised, especially with regard to house trapping. Some white men are almost paranoic in their suspicion that Indians are poaching on their lines, but most white trappers regard such intense insecurity as an unwarranted quirk of thinking. Several years ago Edward Peters was arrested and fined for burning leaves on a white man's territory. It is not unusual for a number of months to pass the stealing of a horse that is ready for shooting. His moral hesitation and little mercy is apparent in such behaviour, as anyone would agree who has seen a team of bush sires with people hunting for a repeated hour hog. The Indians try to finish as much of the beverage as possible before they in turn are discovered. Young children often show a predilection for stealing small goods trifles, like toys, but are severely punished if discovered by parents. In the case of property offences by adults, discovery generally leads to confrontation, a demand for the return of the stolen goods, or suppressed hostility. Offences connected with the non-fulfilment of credit obligations to traders are rare. Such defaults would quickly result in the blocking of further credit and few persons could sustain this penalty. Recovery of individuals, failure to repay loans may lead to confrontation and hostility.

Such more crimes and misdemeanours are discovered in Lower Post, which is in British Columbia, justice is largely administered by provincial officials. Punishable offences discovered by the police do not generally lead to an open assessment of crime nor is the individual given his liberty under bail, since to announce arrest leads to the danger that the offender will remove himself from the community. Within three or four days following the offence, word circulates through the town that the magistrate will hold court in the afternoon. The policeman then informs those Indians, who have been "under arrest," that their trial is due that day.

According to provincial law all offences, other than major crimes, regardless of the plea of the defendant, may be tried by a civil magistrate without a jury. For some years cases have been tried by elderly white prospectors, but in 1945 the police constable from Fort Nelson arrived time to time to Lower Post to act as magistrate. All hearings are conducted in English. Court is held in the Hudson's Bay Company's bunkhouse which is normally reserved for white trappers. A few items serve as seats for visitors, while the crowning

[illegible]

[illegible]

[illegible]

Upper Lard

[illegible]

[illegible] Societies invoked to restore property, compensate kithe or to mark rights by its [illegible] Probably they included the application of individual force, organized violently or physically, with the consent of the community. That is to say, if a man could not claim that he stood in for a right to might upon his death and in the process perhaps inflict punishment on his rival. Property attracts the utmost attention in collectivistic public opinion. We have now said to compel a person to [illegible] "We had a name on. We could do the same thing. We won't give him much." Recipro-[illegible] to therefore functioned and thrive serving to maintain the pattern of food sharing.

The aboriginal community found itself compelled to deal with lying, assault, man-slaughter, infanticide, murder, revolution, slavery, incest, sexual misconduct, adultery, and treason. A common form of lying involved at a person accusing from a [illegible] man was using exaggerated stories of the amount of game that he had seen. His many such accounts men united before the [illegible] heard regularly disbelieved. Against murder a quick vengeful man reacted by killing his adversaries. Injuries suffered due to [illegible] were settled by payment, a distinction apparently being made between wounds deliberately inflicted and those resulting accidentally. In fact, no payment followed in the case of harm caused from children's play. Likewise the people distinguished manslaughter from murder. In event of the former no vengeance followed but a payment, considerably less than that obtaining in the case of murder, was expected. An Indian who committed manslaughter might be adopted in place of the deceased.* People would drive out of the community a woman whose neglect caused her child to starve. "Let her starve," the people said in the hope that other people would thereby learn the necessity of rearing such other more kindly. Infanticide of either a girl or boy infant carried severe scolding. The temptation to kill a baby appears to have been limited to cases where alleging resulted from monstrous unions. Such a child was sometimes killed in the birth camp, the mother scolding to mourn with none. The informant recalled no instance of abortion but he thought the deed would have been classified as murder.

Murder might be averted through a large payment, made in installments running over a year or more, or by blood revenge. Wrongful required the suppression of all the members of the murderer's family. Vengeance constituted the duty of the victim's brother or uncle (father's brother?) and was never undertaken by a father. Retaliatory action always was against the actual killer and not against members of his family.* It is not

* Among the Tlingit "any virtue was to pass for as a money fault." (Swan, *Indians of the Tlingit of Alaska* (1868), 66.) Wrongful to resort to killing as restitution for murder and manslaughter among certain Kwakiutl tribes, the Tillamook, Haida, and Tlingit Chilkat. Drucker, *Culture Element Distributions: XXII, Northwest Coast* (1950), 60.

* "The original Indians claiming the country of the Upper Delly and its tributaries have completely disappeared with the exception of one old woman. . . . The main causes for this is quarreling amongst themselves . . . generally started by two men fighting and one killing the other, when the relatives and friends would take the quarrel up and kill the first man or some of his relatives to get even and so they would keep the quarrel going until one party were all dead or so weakened that for a time they were satisfied to stop. Secondly, by strangers when making visits as them and killing the men and taking [illegible] away with them . . . " Field, *Unpublished manuscript* (1913), 1.